

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Erasmio Nava

A202 085 373

YOB:

PRINCIPAL

1990

United States

United States District Court  
Southern District of Texas  
FILED

Case Number:

M-15-0336-M

MAR - 6 2015

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 5, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Ingrid Lissette Merino-Andrade and Yesica Marisol Martinez-Perez, citizens and nationals of El Salvador and four (4) other undocumented aliens for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Edinburg, Texas to the point of arrest near San Manuel, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:


On March 5, 2015, Border Patrol Agent L. Rinker was observing northbound traffic on Hwy 281. At approximately 5:25 a.m., he observed a green Chevrolet Silverado riding very low to the ground as it traveled north. He proceeded to follow this vehicle for a closer look. As he got closer to the vehicle, the truck appeared to be swaying and bouncing more than normal. He proceeded to drive alongside it and with the street light illumination, he observed multiple subjects in the bed of the truck. The subjects were laying alongside each other just below the rim of the truck bed as if trying to hide. The current temperature and weather conditions were around 37 degrees and rainy. Suspecting the passengers were undocumented aliens he proceeded to conduct a vehicle stop to determine the immigration status.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved  
Joseph Leonardo

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

Andrew E. Johnson Senior Patrol Agent

Printed Name of Complainant

March 6, 2015

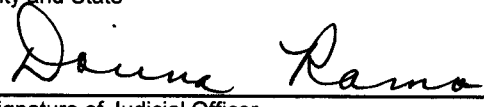
Date

at McAllen, Texas

City and State

Dorina Ramos, U. S. Magistrate Judge

Name and Title of Judicial Officer

  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

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**CONTINUATION:**

As soon as the vehicle pulled over near San Manuel, Texas, one subject open the passenger door and absconded into the brush. There were 4 male subjects in the bed of the truck, 2 females in the back seat of the truck cab and the driver, later identified as Erasmo NAVA. The driver was determined to be a United States Citizen and the rest of the passengers were determined to be undocumented aliens illegally present in the United States. Responding Agents arrived on scene, but were unable to find the subject that had absconded.

All subjects were then transported to the Weslaco Border Patrol Station.

**PRINCIPAL STATEMENT:**

Once at the Border Patrol Station, Erasmo NAVA was advised of his Miranda Rights by Border Patrol Agents. NAVA understood his rights and provided a sworn statement without the presence of an attorney.

NAVA stated on March 4, 2015, he went to a friend's house. At his friend's house he met an acquaintance of his friend, who offered him a job. He said that this unknown male subject offered him \$200 to work for him on a quick job. Nava stated that the unknown subject told him to meet him at TITI's Drive Thru in Edinburg, the following day approximately 20 minutes before 5:00 a.m. On March 5, he drove to TITI's and a white single cab Dodge pickup guided him into the subdivision behind TITI's where he was then instructed to turn off his vehicle. He said after a short time, he saw multiple people get into the bed of his truck and two people get in the back seat. He said the man who offered him the job then got into the passenger seat. This unknown person was going to tell him where to drop off the subjects. When he got stopped, this unknown person got off the vehicle and ran. NAVA further stated that he did know the subjects that he was transporting were undocumented aliens.

**MATERIAL WITNESSES STATEMENTS:**

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights and provided a statement without the presence of an attorney.

1-Ingrid Lissette MERINO-Andrade stated that she is a citizen and national of El Salvador. She paid a smuggler \$900 USD and agreed to pay an additional \$1500 USD once she reached Houston, Texas. On March 3, 2015, she was smuggled across the Rio Grande River into the United States. Once in the U.S., the smuggler led her to a home. On March 5, 2015, at approximately 5:00 a.m., a green vehicle arrived to the stash house and picked them up. She stated that the person who first ordered them to get into the vehicle then entered the vehicle and sat at the passenger seat. The driver was also seen entering the vehicle a short time later. She then stated that they were told to lay down and the vehicle started moving. About 30 minutes later, she felt the vehicle come to the stop, and then saw the passenger of the pickup flee from the vehicle. She stated that immediately after, she noticed a Border Patrol agent approach the vehicle and arrest the driver. She stated that she wasn't able to identify the passenger, but stated she could identify the driver. She identified NAVA in a photo lineup as the driver of the vehicle.

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2-Yesica Marisol MARTINEZ-Perez stated that she is a citizen and national of El Salvador. She paid the smuggler approximately \$7,000 USD in smuggling fees to get smuggled to Houston. On February 19, 2015, she was smuggled across the river and taken to a stash house. In the morning of March 5, 2015, a vehicle arrived to the house. The driver exited the vehicle and then ordered them to get in inside his green truck. The vehicle then started moving and they were told that they were going to get dropped off along the highway where they were supposed to meet up with a foot guide in the brush. Approximately 20 minutes, she noticed a Border Patrol vehicle next to them. The driver of the vehicle had stated to them "they got us". She then stated that immediately after, she noticed the Border Patrol's vehicle lights turn on and they immediately came to a stop. A Border Patrol agent, then approached the vehicle and arrested the driver. She was able to identify NAVA as the driver of the vehicle.